



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

CRS  
Docket No: 4421-99  
18 November 1999

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD [REDACTED]

Ref: (a) 10 U.S.C. 1552  
(b) OPNAVINST 1160.5B of 4 Jan 88

Encl: (1) DD Form 149 w/attachments  
(2) Case Summary  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Naval Reserve, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected to show a more favorable reenlistment code than the RE-4 reenlistment code assigned on 17 December 1992.

2. The Board, consisting of Mr. Lippolis, Mr. Zarnesky, and Mr. Neuschaefer, reviewed Petitioner's allegations of error and injustice on 17 November 1999 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that enclosure (1) was not filed in timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Naval Reserve on 29 November 1990 at age 19. He reported for a two-year period of active duty on 17 January 1991. At the time of his enlistment he had completed 12 years of formal education.

d. On 17 December 1992 Petitioner was honorably separated and

transferred to the inactive Naval Reserve. At that time he was assigned a reenlistment code of RE-4. During his period of active service Petitioner was not the subject of any disciplinary action.

e. Reference (b) stated that an individual who is separated at the expiration of a period of active obligated service and not recommended for reenlistment will be assigned an RE-4 reenlistment code. It also stated that any individual not advancing to pay grade E-3 during the first enlistment would be assigned the same code. An RE-1 reenlistment code means that an individual is fully qualified to be reenlisted based on the needs of the service.

f. The Board has been informally advised that Petitioner is presently enrolled in the Army ROTC program at Marshall University, and must receive a change in his reenlistment code in order to continue in ROTC and be commissioned as an officer.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. The Board concludes that an RE-4 reenlistment code was unduly severe. Since he is presently enrolled in an Army ROTC program and served on active duty without disciplinary action for almost two years as a reservist, the Board concludes that RE-1 is the most appropriate reenlistment code. Further, during his two-year of active duty, he did not have a realistic opportunity to be advanced to E-3. Accordingly, Petitioner's reenlistment code should be changed to RE-1.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

#### RECOMMENDATION:


a. That Petitioner's naval record be corrective by changing the RE-4 reenlistment code, assigned on 17 December 1992, to RE-1.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

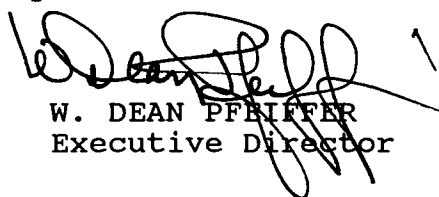
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder



ALAN E. GOLDSMITH  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFRIFFER  
Executive Director